

BARNES & THORNBURG LLP

FRIED, FRANK, HARRIS,  
SHRIVER & JACOBSON LLP

November 25, 2020

**VIA ECF**

The Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Centre Street, Room 2202  
New York, NY 10007

Re: ***United States v. Jose Martinez-Diaz, 1:16-cr-387-10 (JMF)***

Dear Judge Furman:

Counsel for the defendant in the above-captioned matter request that the Court adjourn sentencing, currently scheduled for December 15, 2020, to a date in May. The government, through Assistant United States Attorney Andrew Thomas, consents to this request.

This is the third request for an adjournment of sentencing. Mr. Martinez-Diaz first requested an adjournment on January 30, 2020 (ECF No. 354), because the BOP had moved Mr. Martinez-Diaz from the MDC in Brooklyn to Puerto Rico, where he was also under indictment. On June 30, 2020, Mr. Martinez-Diaz requested a second adjournment (ECF No. 420) for the same reason. On September 28, 2020, Mr. Martinez-Diaz pled guilty, in the District of Puerto Rico, to conspiring to possess with intent to distribute cocaine, in violation of 21 U.S.C. § 841(a)(1). The District of Puerto Rico ordered that sentencing would be scheduled after Your Honor imposes a sentence in this case. See Minute Entry for Change of Plea Hearing, *United States v. Jose Martinez-Diaz*, 3:18-cr-00100-DRD (D.P.R. Sept. 28, 2020), ECF No. 135.

Mr. Martinez-Diaz is still in Puerto Rico. Counsel therefore continues to have limited access to Mr. Martinez-Diaz, which impairs our ability to prepare his sentencing submission and

prepare him for a sentencing hearing.

Respectfully Submitted,

**BARNES & THORNBURG LLP**

*/s/ Lawrence Gerschwer*

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Application GRANTED. Sentencing is HEREBY ADJOURNED to May 12, 2021, at 3:00 p.m.  
The Clerk of Court is directed to terminate Doc. #470. SO ORDERED.



November 30, 2020